

29
MD52
8-1-02
SC

ORIGINAL
 IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	
Plaintiff	:	
	:	
	:	CIVIL NO. 1:CV-00-1763
v.	:	(Rambo, J.)
	:	(Smyser, M.J.)
66.84 ACRES OF LAND, MORE OR	:	
LESS, SITUATE IN SOUTH NEWTON	:	
AND SOUTHAMPTON TOWNSHIPS,	:	
CUMBERLAND COUNTY,	:	
COMMONWEALTH	:	
OF PENNSYLVANIA,	:	Tract 372-01
	:	
and	:	
TUMBLING RUN GAME PRESERVE,	:	
and	:	
UNKNOWN OWNERS	:	
Defendants	:	

FILED
 HARRISBURG, PA

JUL 31 2002

MARY E. D'ANDREA, CLERK
 Per _____
 Deputy Clerk

STIPULATION FOR JUDGMENT AS TO JUST COMPENSATION

Plaintiff United States of America, by and through its undersigned legal counsel, and defendant Tumbling Run Game Preserve, by and through its undersigned legal counsel, Lawrence J. Keating (hereinafter the "Parties"), hereby submit the following stipulation for entry of judgment:

IT IS HEREBY STIPULATED AND AGREED by and between the Parties hereto that the full and just compensation payable by the United States of America for the taking of fee simple title in property containing 66.84 acres, subject to existing easements for public roads and highways, public utilities, railroads and pipelines, and reserving the right to use and maintain an

existing road within a 20 foot right-of-way and the right to install and maintain underground utilities within the right-of-way, as is more fully described in Schedule "B" to the Complaint in Condemnation, a copy of which is attached hereto, shall be the sum of \$212,000; and

IT IS FURTHER STIPULATED AND AGREED by and between the Parties that all taxes, assessments, liens and encumbrances against said property on the date of taking shall be paid, satisfied and discharged out of said sum, subject to any rights of the landowner under the Uniform Relocation Act; and

IT IS FURTHER STIPULATED AND AGREED by and between the Parties that the sum of \$212,000.00 shall be the full and just compensation for the above described tract and shall be in full satisfaction of any and all claims of whatsoever nature against the United States of America by reason of the institution and prosecution of this action and the taking of the said interests in the subject property; and

THE PARTIES HERETO consent to the entry of all orders and judgments necessary to effectuate this Stipulation and Agreement.

FOR THE UNITED STATES

THOMAS A. MARINO
UNITED STATES ATTORNEY

Date: 7/25/02


ANNE K. FIORENZA
Assistant U.S. Attorney
228 Walnut Street
Harrisburg, PA 17108
(717)221-4482

07/25/02 THU 09:40 FAX 7172214582

USAO HARRISBURG

002

FOR THE LANDOWNER:

Date: 7/25/02


LAWRENCE J. KEATING
Tumbling Run Game Preserve
1533 Quarry Lane
Lancaster, PA 17603
(717)390-0377

SCHEDULE "B"

Tract 372-01

All that certain tract or parcel of land lying and being situated in South Newton and Southampton Townships, Cumberland County, Commonwealth of Pennsylvania, and being more particularly described as follows:

BEGINNING at Michaux State Forest boundary corner #237, being a corner common to lands of the Commonwealth of Pennsylvania, Michaux State Forest and subject owner, as shown on a plan for said Michaux State Forest, dated August 19, 1972, District No. 1, Map Section 2, said corner located at the end of the 10th line of a deed from Grover C. Myers, Trustee of Tumbling Run Game Preserve, to Tumbling Run Game Preserve dated April 14, 1931 and recorded October 26, 1931 in Deed Book F, Vol. 11, Page 273 in the Office for the Recording of Deeds of Cumberland County, Commonwealth of Pennsylvania; thence, following the 11th line of said deed, with the boundary line of said Michaux State Forest, North 66° 27' East, 3,650 feet, more or less, crossing the Southampton/South Newton Township Line, to a point on said boundary line; thence, severing the lands of subject owner, South 43° 31' 34" West, 4,095.75 feet, recrossing said Township Line, to a point on the 10th line of aforesaid deed, being on the boundary line of said Michaux State Forest; thence, following the 10th line of said deed, with said boundary line, North 19° 10' West, 1,600 feet, more or less, to the point of beginning.

Containing 66.84 acres, more or less.

The above-described parcel, designated as Tract 372-01, Appalachian National Scenic Trail, is a portion of the same land acquired by Tumbling Run Game Preserve from Grover C. Myers, Trustee, by deed dated April 14, 1931 and recorded October 26, 1931 in Deed Book F, Vol. 11, Page 273, in the Office for the Recording of Deeds of Cumberland County, Commonwealth of Pennsylvania.

SCHEDULE "B" - CONTINUED

ESTATE TO BE ACQUIRED:

The fee simple title, subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

Reserving unto Tumbling Tun Game Preserve, its successors and assigns, the right to use and maintain the existing dirt and gravel road within a right-of-way 20 feet in width and as approximately shown on the attached Exhibit B for ingress and egress to its remaining property. The surface shall remain dirt and/or gravel.

Also reserving unto Tumbling Run Game Preserve, its successors and assigns, the right to install and maintain underground utility lines within the right-of-way.

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Lawrence J. Keating, Esquire
Tumbling Run Game Preserve
1533 Quarry Lane
Lancaster, Pennsylvania 17603

NAMES AND ADDRESSES OF OTHER PARTIES WHO MAY HAVE AN INTEREST IN THE LAND:

Ms. Pat Jackson
South Newton Township Tax Collector
717 East Main Street
Box 57
Walnut Bottom, Pa 17266-0057

By virtue of a possible lien for
County, Township and School
taxes.

Ms. Vivian Coy
Southampton Township Tax Collector
110 Railroad Land
Shippensburg, PA 17257

By virtue of a possible lien for
County, Township and School
taxes.

Commonwealth of Pennsylvania
c/o Deputy Attorney General
State Capitol
Harrisburg, PA 17105

By virtue of taxes settled by the
Commonwealth of Pennsylvania
against Grantor Corporation and
unsettled taxes and other charges
due to the Commonwealth of
Pennsylvania.

Unknown Owners